



PATENT
Attorney Docket No.: 2754/35856
TECHNOLOGY CENTER 3
SEP - 6 2002

#24
Q7-2
Robert
Response
RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Stephen Temple

SERIAL NO.: 09/369,543

TITLE: Printer and Method of Printing

FILED: August 6, 1999

GROUP ART UNIT: 2861

EXAMINER: T. Nguyen

CERTIFICATE OF MAILING

) I hereby certify that this paper is being
) deposited with the United States Postal
) Service as first class mail, in an envelope
) addressed to the Assistant Commissioner for
) Patents, Washington, D.C. 20231, on
)
) August 24, 2002
)
)
)
)
)
)
)
)
Bryan J. Lempia
Bryan J. Lempia
Registration No.: 39,746

RESPONSE TO FINAL OFFICE ACTION DATED MARCH 26, 2002

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is in response to the Final official action mailed March 26, 2002. This paper is submitted in conjunction with a Request for Continued Examination (RCE), a petition for a two month extension of time to take action, and the appropriate fees.

Please consider the following remarks. Withdrawal of the objections and rejections is respectfully solicited based on the following grounds.

REMARKS

Claims 1-40 remain pending in the application. Claims 1-40 have again been rejected under 35 U.S.C. §103(a) as obvious over Kondo, JP 4-10948 (Kondo) in view of Kneezel, U.S. Patent No. 5,598,191 (Kneezel). This rejection is believed to be overcome based on the foregoing amendments and the following remarks. Reconsideration and withdrawal of the rejection is hereby respectfully solicited.

As a preliminary matter, the action cites *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA) and *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986) as support for the Office's position that the applicant has attacked the references individually in attempting to show non-obviousness. The Office's position in this regard is erroneous. Each